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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/380,731 09/13/99 RETTENMAIER

J 017309/0173

EXAMINER

IM22/0612

FOLEY & LARDNER  
3000 K STREET NW SUITE 500  
PO BOX 25696  
WASHINGTON DC 20007-8696

KIM, S

ART UNIT

PAPER NUMBER


1723

DATE MAILED:

06/12/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<h2 style="margin: 0;">Office Action Summary</h2>	Application No. <div style="text-align: center;">09/380,731</div>	Applicant(s) <div style="text-align: center;">Rettenmaier</div>	
	Examiner <div style="text-align: center;">John Kim</div>	Group Art Unit <div style="text-align: center;">1723</div>	

☒ Responsive to communication(s) filed on Sep 13, 1999.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) 1-35 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-35 are subject to restriction or election requirement.

**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-14, drawn to a filter aid comprising wood particles subjected to a chemical liquid treatment with a dilute alkali solution at a temperature below 100 degree Celsius and at a atmospheric pressure.

Group II, claim(s) 15-30, drawn to a process for producing the filter aid above.

Group III, claim(s) 29-35, drawn to the use of the filter aid above.

2. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature of claim 1 is a filter aid comprising wood particles subjected to a chemical liquid treatment with a dilute alkali solution at a temperature below 100 degree Celsius and at a atmospheric pressure which is shown by U.S. Patent No. 5,916,670 (Tan et al) (see col. 3, lines 28-39; col. 5, lines 48-64) or German Patent No. 2,351,125 as described on page 3 of the international preliminary examination report of PCT/DE98/00630 to lack novelty or inventive step and does not make a contribution over the prior art.

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3. A telephone call was made to Mr. George Quillin on 6/9/00 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Examiner requests applicant to submit English translations of foreign documents in the information disclosure statement filed 2/2/00 in order to make the record complete.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response after final action is (703) 305-3599, and the fax phone number for all other official faxes is (703) 305-7718.


When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

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John Kim  
Primary Examiner  
Art Unit 1723

J. Kim  
June 12, 2000